

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Team # 6	CCRB Case #: 201405321	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/30/2014 2:00 PM	Location of Incident: § 87(2)(b) and at § 87(2)(b)	Precinct: 47	18 Mo. SOL 11/30/2015	EO SOL 11/30/2015	
Date/Time CV Reported Mon, 06/02/2014 9:49 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/02/2014 9:49 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Brandon Ravelo	26010	948409	047 PCT
2. SGT Joe Pulgarin	00983	942914	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joe Pulgarin	Abuse: At § 87(2)(b) in the Bronx, Sgt. Joe Pulgarin stopped § 87(2)(b)	§ 87(2)(b)
B.POM Brandon Ravelo	Abuse: At § 87(2)(b) in the Bronx, PO Brandon Ravelo stopped § 87(2)(b)	§ 87(2)(b)
C.POM Brandon Ravelo	Force: At § 87(2)(b) in the Bronx, PO Brandon Ravelo used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Brandon Ravelo	Force: At § 87(2)(b) in the Bronx, PO Brandon Ravelo struck § 87(2)(b) with an asp.	§ 87(2)(b)
E.POM Brandon Ravelo	Discourtesy: At § 87(2)(b) in the Bronx, PO Brandon Ravelo acted discourteously toward § 87(2)(b)	§ 87(2)(b)
F.POM Brandon Ravelo	Abuse: At § 87(2)(b) in the Bronx, PO Brandon Ravelo threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Case Summary

On June 2, 2014, § 87(2)(b) filed this complaint with the CCRB via telephone.

At approximately 2:00 p.m. on May 30, 2014, § 87(2)(b) was taken into custody as an emotionally disturbed person (EDP) by Sgt. Joe Pulgarin and PO Brandon Ravelo of the 47th Precinct in front of § 87(2)(b) in the Bronx. The following allegations resulted:

- **Allegation A: Abuse of Authority – At § 87(2)(b) in the Bronx, Sgt. Joe Pulgarin stopped § 87(2)(b)**
- **Allegation B: Abuse of Authority – At § 87(2)(b) in the Bronx, PO Brandon Ravelo stopped § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation C: Force – At § 87(2)(b) in the Bronx, PO Brandon Ravelo used physical force against § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
- **Allegation D: Force – At § 87(2)(b) in the Bronx, PO Brandon Ravelo struck § 87(2)(b) with an asp.**
- **Allegation E: Discourtesy – At § 87(2)(b) in the Bronx, PO Brandon Ravelo acted discourteously towards § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
- **Allegation F: Abuse of Authority – At § 87(2)(b) in the Bronx, PO Brandon Ravelo threatened § 87(2)(b) with the use of force.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(b)'s case could not be mediated since he alleged that an officer used an asp against him.

Results of Investigation

Civilian Statement(s)

- **Complainant/Victim:** § 87(2)(b)
§ 87(2)(b) § 87(2)(b) *at the time of the incident, is a 6'2", 200-pound black male with black hair and brown eyes.* § 87(2)(b)

Statements to Medical Providers

§ 87(2)(b) was taken to § 87(2)(b) by the NYPD and was admitted to the hospital's § 87(2)(b) on § 87(2)(b). He was later discharged on the morning of § 87(2)(b). While in § 87(2)(b) § 87(2)(b) denied having any history of psychiatric illness, or taking any controlled substances. He denied wielding a knife or

threatening anybody prior to his admission. § 87(2)(b) did state, though, that he carries a small pocket knife for use at work. § 87(2)(b) alleged that the police had punched him and slammed him into the ground before he was admitted. He made no mention of being struck with an asp (Encl. 9A).

Notice of Claim

§ 87(2)(b) filed a notice of claim with the Comptroller's office on § 87(2)(b). § 87(2)(g)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on June 6, 2014 (Encl. 5A-C). § 87(2)(g) (Encl. 4A-B). During the interview, § 87(2)(b) was extremely agitated and uncooperative. § 87(2)(b) often ignored direct questions, and became angry when asked to elaborate on vague or incomplete answers, stating that merely discussing the incident greatly upset him.

At approximately 2:00 p.m. on May 30, 2014, § 87(2)(b) was walking home from a nearby store when he passed by § 87(2)(b) in the Bronx. He was by himself at the time. § 87(2)(b) was carrying a set of keys, a cell phone, his identification, a MetroCard, and a small Bible with him at the time. He made no mention of carrying a knife or box cutter at the time. As § 87(2)(b) passed § 87(2)(b) he noticed a male, identified by the investigation only as "§ 87(2)(b)" sitting at the front of the house. The house was surrounded by a gated fence. § 87(2)(b) passed by the house without incident. He did not interact with § 87(2)(b) in any way. He did not recall seeing any other individuals in the area at the time.

Shortly after walking past the house, an unmarked blue sedan pulled up in front of § 87(2)(b). Two plainclothes officers, identified by the investigation as Sgt. Joe Pulgarin and PO Brandon Ravelo, exited the car. § 87(2)(b) described PO Ravelo as a stocky 5'8" male in his twenties, and Sgt. Pulgarin as a 6' white male in his thirties. PO Ravelo had been driving. PO Ravelo immediately walked up to § 87(2)(b) and angrily asked him why he had been looking at John. As he spoke, he drew a can of pepper spray from his belt. He did not point the pepper spray at § 87(2)(b) or discharge it at any point. § 87(2)(b) speaking in a normal tone of voice, told PO Ravelo that he had not said or done anything to John. He then turned away and continued walking.

In response, PO Ravelo drew his asp, and instructed § 87(2)(b) to stop, provide identification, and put his hands "on the wall." § 87(2)(b) did not explain what wall PO Ravelo was referring to. Moments after issuing the command, however, PO Ravelo came up behind § 87(2)(b) and forcibly brought him to the ground. When initially asked how PO Ravelo had done this, § 87(2)(b) stated that PO Ravelo had lifted him up and then "slammed" him down. When asked where on his body PO Ravelo had lifted him by, § 87(2)(b) did not answer, and instead simply repeated that PO Ravelo had "slammed" him down.

§ 87(2)(b) fell to the ground, landing on his left side. PO Ravelo then leaned over § 87(2)(b) and struck him repeatedly all over his body using both his fists and his asp. § 87(2)(b) was unable to estimate how many times he was punched in total, but stated that PO Ravelo struck him four to five times with the asp. Several punches and at least one asp strike landed on § 87(2)(b)'s head.

As PO Ravelo struck § 87(2)(b) Sgt. Pulgarin placed his knee on § 87(2)(b)'s head and held it down. § 87(2)(b) did not recall if Sgt. Pulgarin struck him during the struggle. § 87(2)(b) tried to protect himself from PO Ravelo's blows by curling up his body and holding his forearms in front of his face. He denied making any other movements, or offering any active resistance towards the officers. § 87(2)(b) repeatedly called for help as PO Ravelo struck him. He did not recall if the officers said anything to him at that time.

Eventually, PO Ravelo and Sgt. Pulgarin pulled § 87(2)(b)'s arms behind his back and placed him in handcuffs. § 87(2)(b) did not state how long the struggle lasted. As a result of the struggle, § 87(2)(b) suffered bruising along the left side of his face and abrasions on his shoulders, elbows and forearms. § 87(2)(b) was lifted up to his feet. Once up, § 87(2)(b) saw that several bystanders had gathered in the area, and that several were recording the incident on their phones. He did not know any of these individuals. Approximately ten to fifteen officers had also responded to the location, but § 87(2)(b) was unable to describe any of them.

PO Ravelo placed § 87(2)(b) against a nearby police vehicle front-first. He then stood behind § 87(2)(b) and repeatedly thrust his hips towards him in a lewd "humping" gesture. PO Ravelo then began patting § 87(2)(b)'s body. § 87(2)(b) did not provide a complete account of how PO Ravelo patted his body, initially only stating that PO Ravelo patted his chest and groin. § 87(2)(b)

§ 87(2)(b) He did not state whether PO Ravelo reached into any of his pockets afterwards. Shocked at PO Ravelo's behavior, § 87(2)(b) shouted to the bystanders to record the incident. At the time, § 87(2)(b) was screaming in a belligerent tone.

Shortly after PO Ravelo patted § 87(2)(b) down, an ambulance arrived at the location. § 87(2)(b) was strapped to a gurney and loaded into the rear. PO Ravelo then got into the ambulance and rode with § 87(2)(b) to § 87(2)(b). Once at the hospital, § 87(2)(b) was forced to wait with PO Ravelo for one hour while still handcuffed to the gurney. When § 87(2)(b) begged PO Ravelo to remove the handcuff, PO Ravelo told him, "Listen, man, when I take these cuffs off, we're in a hospital. If you make one move, you know what's coming down on you." § 87(2)(b) interpreted this to mean that PO Ravelo would hit him again if he caused trouble. He did not state whether PO Ravelo removed the handcuffs afterwards.

§ 87(2)(b) was eventually admitted to the hospital's § 87(2)(b) ward. He did not know why he was sent to a § 87(2)(b) ward. Once he was admitted, § 87(2)(b) quickly fell asleep. He assumed that this was because he had been given a sedative. § 87(2)(b) next woke up at about § 87(2)(b) at which time he was discharged into his own custody. § 87(2)(b) was not arrested or issued a summons as a result of the incident. § 87(2)(b) would later return to the hospital on his own at § 87(2)(b) to have his bruises and abrasions examined. He was given painkillers, and discharged again at about § 87(2)(b) on § 87(2)(b).

Witness: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) at the time of the incident, is a black female.

Telephone Statement

§ 87(2)(b) provided a telephone statement on June 12, 2014 (Encl. 6A-B). On May 30, 2014, § 87(2)(b) was at her home at § 87(2)(b) in the Bronx. § 87(2)(b) and her family had hired an elderly male from their neighborhood, whom she could only identify as “§ 87(2)(b)” to make some repairs to the stairs in front of the house. § 87(2)(b) remained inside while § 87(2)(b) was outside working.

At approximately 2:00 p.m., § 87(2)(b) heard a commotion outside the house. When she went outside, she saw two plainclothes officers, identified by the investigation as PO Brandon Ravelo and Sgt. Joe Pulgarin, struggling with a male, identified by the investigation as § 87(2)(b). § 87(2)(b) was lying on the ground, while the two officers stood over him. PO Ravelo and Sgt. Pulgarin were trying to pull § 87(2)(b)'s arms behind his back to apply handcuffs to him. § 87(2)(b) was cursing loudly at the officers. He also attempted to roll his body away from the officers and jerk his arms away from them. § 87(2)(b) did not see either officer punch § 87(2)(b). Neither officer either drew their asps or struck § 87(2)(b) with their asps. As § 87(2)(b) struggled on the ground, § 87(2)(b) noticed that he had several scrapes and bruises on his face and shoulders.

PO Ravelo and Sgt. Pulgarin struggled with § 87(2)(b) for approximately two or three minutes before they were able to handcuff him. A few minutes later, approximately twelve officers in both uniforms and plainclothes arrived at the location. The gathered officers then lifted § 87(2)(b) to his feet and placed him against the side of a police vehicle. PO Ravelo then frisked and searched § 87(2)(b) emptying the contents of his pockets. Among the items found in his pockets was an orange box cutter. She did not see PO Ravelo or any of the other officers make any “humping” motions towards § 87(2)(b). No officer made any lewd or sexually suggestive gestures towards § 87(2)(b) at any time.

After § 87(2)(b) was frisked and searched, an ambulance arrived at the location. § 87(2)(b) was loaded inside and taken away. Once the officers left the location, § 87(2)(b) explained to § 87(2)(b) that § 87(2)(b) had come up to him and started shouting profanities at him for no apparent reason. He had then threatened § 87(2)(b) with the box cutter. PO Ravelo and Sgt. Pulgarin had been driving by at the time, and had stopped to see why § 87(2)(b) was shouting. § 87(2)(b) did not explain to her how the struggle had begun.

NYPD Statement(s):

Subject Officer: PO BRANDON RAVELO

- *PO Ravelo, § 87(2)(b) old at the time of the incident, is a 5’7”, 200-pound Hispanic male with black hair and Brown eyes.*
- *On May 30, 2014, PO Ravelo worked from 11:50 a.m. until 8:05 p.m. He was assigned to Anti-Crime, and worked with Sgt. Joe Pulgarin. PO Ravelo was in plainclothes, and assigned to an unmarked black Impala, RMP #§ 87(2)(b).*

Memo Book

At 1:00 p.m. on May 30, 2014, PO Ravelo encountered an EDP with a knife at the intersection of § 87(2)(b). § 87(2)(b) (Encl. 7A-B).

CCRB Testimony

PO Ravelo was interviewed at the CCRB on August 5, 2014 (Encl. 7C-E). At approximately 1:00 p.m. on May 30, 2014, PO Ravelo and Sgt. Pulgarin were on patrol near § 87(2)(b) in the Bronx. PO Ravelo was driving. As he passed by, PO Ravelo noticed a young male, identified by the investigation as § 87(2)(b) shouting at an unidentified elderly male. The male was standing in front of the building, inside of a fence, while § 87(2)(b) was standing at the edge of the fence, about ten feet away. § 87(2)(b) was in turn approximately ten feet away from PO Ravelo's position. PO Ravelo did not recall what § 87(2)(b) was shouting, but he noted that § 87(2)(b) appeared extremely hostile and agitated. § 87(2)(b) gripped the fence and shook it repeatedly as he shouted.

PO Ravelo pulled his vehicle up next to § 87(2)(b) and rolled down the windows. He verbally identified himself as a police officer, and then asked § 87(2)(b) what was happening. § 87(2)(b) turned towards PO Ravelo and stated, "I don't give a fuck. Get the fuck out of here. Don't get out of the fucking car." Based upon § 87(2)(b)'s immediate and extreme hostility towards him, PO Ravelo suspected that § 87(2)(b) was emotionally disturbed at the time. He also suspected that § 87(2)(b) might be under the influence of a controlled substance, specifically citing PCP, which often induces the sort of extreme hostility that § 87(2)(b) was displaying at the time. PO Ravelo thus deemed it necessary to take § 87(2)(b) into protective custody to ensure that he did not harm the male, the officers, or himself.

Both PO Ravelo and Sgt. Pulgarin exited the vehicle and approached § 87(2)(b). PO Ravelo went to § 87(2)(b)'s left, and Sgt. Pulgarin going to his right. As PO Ravelo approached, he noticed an orange handle poking out of one of § 87(2)(b)'s front pants pockets. PO Ravelo believed that the handle also had a clip extending out onto the pocket's exterior, but was not certain. While PO Ravelo did not describe the object's size, he believed, based upon its shape and color, that it was a box cutter. § 87(2)(b) though, did not reach for the box cutter or attempt to use it at any point. As PO Ravelo and Sgt. Pulgarin approached § 87(2)(b) PO Ravelo noted that § 87(2)(b) was several inches taller than him. Due to § 87(2)(b)'s relative size and aggressive behavior, PO Ravelo drew his asp to defend himself if § 87(2)(b) attacked him. He held the asp at his side, but did not attempt to strike § 87(2)(b) with it. Sgt. Pulgarin did not draw his asp at any point during the incident.

Both officers instructed § 87(2)(b) to turn around and place his hands behind his back. § 87(2)(b) replied, "Fuck you, make me." He then crossed both of his arms across his chest, burying his hands in his armpits. PO Ravelo then put away his asp. He did not draw it again during the incident. PO Ravelo and Sgt. Pulgarin reached out and tried to pull § 87(2)(b)'s arms on their respective sides behind his back. Once they made contact, however, § 87(2)(b) jerked his upper body away from them, breaking their grips.

With § 87(2)(b) now actively resisting the officers, PO Ravelo decided to take him to the ground to gain control of him. He wrapped § 87(2)(b) in a bear hug and then pulled him down to the ground. Both PO Ravelo and § 87(2)(b) fell to the ground, with both landing on their right sides adjacent to each other. PO Ravelo immediately scrambled on top of § 87(2)(b). § 87(2)(b) then grabbed PO Ravelo by the front of his collar and struck him twice in the face, once with his fist and once with his elbow. PO Ravelo responded by punching § 87(2)(b) several times. PO Ravelo did not recall where he struck § 87(2)(b) or how many times in total he struck § 87(2)(b).

As PO Ravelo and § 87(2)(b) exchanged blows on the ground, Sgt. Pulgarin placed a call for backup over the radio. He then joined PO Ravelo in the struggle. Together, the two officers grabbed § 87(2)(b)'s arms and pulled them behind his back. PO Ravelo did not strike § 87(2)(b) any further after that point. Sgt. Pulgarin did not strike § 87(2)(b) at any point. Neither officer struck § 87(2)(b) with their asps. Neither officer drew their pepper spray at any point. After approximately two minutes, PO Ravelo and Sgt. Pulgarin were able to get § 87(2)(b)'s hands behind his back and place him in handcuffs. Both officers suffered minor scrapes to their knees during the struggle. PO Ravelo also suffered scrapes to one of his elbows. None of these injuries, however, were serious enough to require medical attention. PO Ravelo did not recall seeing any injuries on § 87(2)(b). When shown photographs of § 87(2)(b) showing scrapes on his arms and shoulders allegedly received during the incident, PO Ravelo stated that he did not recall seeing those injuries on § 87(2)(b) at the time.

Shortly after § 87(2)(b) was restrained, several responding officers arrived. PO Ravelo did not recall either the total number of responding officers, or the names of any specific officers. None of these officers made any physical contact with § 87(2)(b) at any point. As soon as § 87(2)(b) was secured, PO Ravelo reached into § 87(2)(b)'s pants pocket and removed the object he had seen earlier, confirming it to be a box cutter. PO Ravelo and Sgt. Pulgarin then lifted § 87(2)(b) to his feet and escorted him over to a nearby police vehicle. § 87(2)(b) continued shouting at the officers, and attempted to pull away from them.

While PO Ravelo waited for an ambulance to come and transport § 87(2)(b) to a hospital for a psychiatric examination, he frisked § 87(2)(b) to check him for weapons. He did this to ensure the safety of the EMTs who would be transporting § 87(2)(b). PO Ravelo, standing behind § 87(2)(b), patted him over his entire body, including his groin area. PO Ravelo was the only officer who frisked § 87(2)(b). During the frisk, § 87(2)(b) shouted, "Do you want to fuck me in the ass?" PO Ravelo did not respond to this. PO Ravelo did not thrust his hips behind § 87(2)(b) in a sexually suggestive "humping" gesture. Neither PO Ravelo nor any of the other officers made any sort of suggestive gesture towards § 87(2)(b) at any point. PO Ravelo did not find anything on § 87(2)(b) during the frisk.

After he was frisked, § 87(2)(b) spat at PO Ravelo and the other officers around him. While PO Ravelo saw that § 87(2)(b)'s saliva made contact with several officers, the saliva landed on their clothes, and did not make contact with their skin. A few minutes later, an ambulance arrived to transport § 87(2)(b). § 87(2)(b) continued spitting as he was loaded into the ambulance, forcing the EMTs to cover his mouth with a mask. PO Ravelo rode with § 87(2)(b) in the ambulance to § 87(2)(b) while Sgt. Pulgarin followed them in the unmarked car.

Once at the hospital, § 87(2)(b) was immediately transferred into the custody of the hospital police. PO Ravelo did not stay with § 87(2)(b) and had no extended interaction with him there. PO Ravelo denied telling § 87(2)(b) "If you make one move, you know what's coming down on you." He denied making any sort of threat towards § 87(2)(b) while at the hospital. After transferring § 87(2)(b) PO Ravelo had no further interactions with him.

After the incident, PO Ravelo prepared an AIDED report for § 87(2)(b) § 87(2)(b) however, had refused to provide his name during the incident. As a result, PO Ravelo had to file it for an unidentified individual, rather than under § 87(2)(b)'s actual name.

Subject Officer: SGT. JOE PULGARIN

- *Sgt. Pulgarin, § 87(2)(b) old at the time of the incident, is a 5'10", 185-pound Hispanic male with black hair and brown eyes.*
- *On May 30, 2014, Sgt. Pulgarin worked the same tour and assignment as PO Brandon Ravelo.*

Memo Book

At 1:00 p.m. on May 30, 2014, Sgt. Pulgarin encountered a violent EDP at the intersection of § 87(2)(b) (Encl. 8A-C).

CCRB Testimony

Sgt. Pulgarin was interviewed at the CCRB on August 5, 2014 (Encl. 8D-F) § 87(2)(g)

Sgt. Pulgarin first noticed the object in § 87(2)(b)'s pants before PO Ravelo pulled over. He described it as being eight inches long, and stated that it was clipped to the exterior of the pocket, in full view. He immediately identified the object as a box cutter. Sgt. Pulgarin did not recall what § 87(2)(b) was shouting at the unidentified male, but stated that § 87(2)(b) had no shirt on at the time.

When PO Ravelo pulled the car over, § 87(2)(b) turned towards the officers and told them to stay in their vehicle before either officer had a chance to identify themselves as police. After this threat, Sgt. Pulgarin held his shield up to § 87(2)(b) hoping that he would calm down to avoid antagonizing a police officer. § 87(2)(b) however, told them again not to get out of their vehicle. Based upon § 87(2)(b)'s extreme hostility, Sgt. Pulgarin suspected as well that § 87(2)(b) was an EDP, and resolved to take him into protective custody.

Sgt. Pulgarin confirmed that PO Ravelo briefly drew his asp when the officers first approached § 87(2)(b) but did not use it. He denied drawing or using his own asp at any point. Sgt. Pulgarin did not recall how § 87(2)(b) and PO Ravelo were arranged on the ground once PO Ravelo pulled both of them down.

While Sgt. Pulgarin stated that § 87(2)(b) struck PO Ravelo twice in the face, he did not see PO Ravelo punch § 87(2)(b). Neither officer punched or kicked § 87(2)(b). Neither officer struck § 87(2)(b) with asps. Beyond pulling § 87(2)(b) to the ground and bring his arms behind his back, neither Sgt. Pulgarin nor PO Ravelo used any additional force during the struggle. In addition to crossing his arms across his chest, shouting profanities and striking PO Ravelo, § 87(2)(b) also resisted during the struggle by spitting at both officers. § 87(2)(b) did not strike either officer with his saliva.

Sgt. Pulgarin did not recall the identities of any of the responding officers. None of these officers made physical contact with § 87(2)(b). Sgt. Pulgarin did not recall § 87(2)(b) suffering any physical injuries. Both officers suffered minor scrapes to their knees, but neither sought medical attention.

After § 87(2)(b) was handcuffed, PO Ravelo frisked him to check him for weapons and secure him for transport to the hospital. Nothing was found during this frisk. PO Ravelo did not make either a “humping” movement or any other sexually suggestive gestures at any point during the incident.

Sgt. Pulgarin accompanied § 87(2)(b) when he was transported by ambulance to § 87(2)(b). Once there, § 87(2)(b) was immediately handed over to the hospital police. Neither Sgt. Pulgarin nor PO Ravelo had any extended interaction with § 87(2)(b). Neither officer told § 87(2)(b) “If you make one move, you know what’s coming down on you.” Neither officer made any kind of threat towards § 87(2)(b). After leaving the hospital, Sgt. Pulgarin had no further interaction with § 87(2)(b).

Officers Not Interviewed

At the time of PO Ravelo’s alleged sexually suggestive gesture towards § 87(2)(b) several responding officers had arrived at the location. The SPRINT identified at least eight distinct units that responded, including officers from both the 47th Precinct and ESU Truck 3. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b).

Medical Records

§ 87(2)(b) Records

§ 87(2)(b), § 87(2)(b) was transported by EMS § 87(2)(b). § 87(2)(b) He was in NYPD custody at the time. § 87(2)(b) was shouting and spitting at the time, and did not cooperate with the EMTs.

§ 87(2)(b), § 87(2)(b) was admitted to § 87(2)(b) and transferred immediately to the Emergency Department. He was under the influence of an unidentified substance at the time. Due to § 87(2)(b)’s continued shouting and uncooperative behavior, doctors had to sedate him. § 87(2)(b) had abrasions on his left shoulder, knees, hands, and head. His police escorts explained that he had been threatening people on the street with a box cutter, and was possibly on PCP.

§ 87(2)(b) § 87(2)(b) was transferred to the hospital’s § 87(2)(b) due to his hostile and aggressive behavior. § 87(2)(b) denied having a history of psychiatric illness, but a review of his records revealed that he had been held in an inpatient psychiatric program once before. § 87(2)(b) denied taking any kind of controlled substance, but refused to provide urine samples for a drug test. The § 87(2)(b) triage nurse contacted § 87(2)(b)’s mother, who stated that § 87(2)(b) regularly uses marijuana and other, unspecified substances. She stated that he has a history of violent and agitated behavior while under the influence.

§ 87(2)(b) was held for overnight evaluation. During an examination at § 87(2)(b), § 87(2)(b) was calm and cooperative. He was subsequently discharged into his own care at § 87(2)(b), however, § 87(2)(b) returned to the hospital’s emergency room,

complaining of pain to his body and abrasions resulting from his previous encounter with the police. He was given painkillers and released at § 87(2)(b) (Encl. 9A).

NYPD Document(s)

SPRINT #§ 87(2)(b)

At 2:08 p.m. on May 30, 2014, the 47th Precinct Anti-Crime sergeant requested backup to the intersection of § 87(2)(b) to assist with a violent EDP. At 2:09 p.m., the sergeant stated that no further units were required at the location, as the EDP was in custody. At 2:11 p.m., EMS was dispatched to the location. The EDP was subsequently transported to § 87(2)(b) Encl. 10E-Q).

AIDED Worksheet

Searches by both name and incident location returned no AIDED worksheets regarding the incident (Encl. 14A, 14R, 14T).

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming injury and excessive force, and seeking \$3,000,000 as redress. To date, no 50h hearing has either been scheduled or taken place (Encl. 5D-E).

Civilian(s) Conviction History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian(s) CCRB History

- § 87(2)(b) has filed the following CCRB complaints (Encl. 3A):
 - § 87(2)(b) [REDACTED]
[REDACTED]

Subject Officer(s) CCRB History

- Sgt. Joe Pulgarin has been a member of the service for seven years and there are no substantiated CCRB allegations against him (Encl. 2A-C).
- PO Brandon Ravelo has been a member of the service for five years and there are no substantiated CCRB allegations against him (Encl. 2D).

Conclusion

Identification of Subject Officer(s)

- § 87(2)(b) alleged that he was approached by two white male officers in plainclothes. Both Sgt. Pulgarin and PO Ravelo are white males, and both stated that they interacted with § 87(2)(b) § 87(2)(g).
- § 87(2)(b) further alleged that the officer who had been driving the unmarked car threw him to the ground, punched him, struck him with an asp, frisked him, made an obscene gesture towards him, and threatened to strike him at § 87(2)(b) Both PO

Ravelo and Sgt. Pulgarin stated that PO Ravelo drove the car, drew an asp for a brief period, threw § 87(2)(b) to the ground, frisked him, and escorted him to the hospital. PO Ravelo further stated that he punched § 87(2)(b) during the struggle. § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A: Abuse of Authority – At § 87(2)(b) in the Bronx, Sgt. Joe Pulgarin stopped § 87(2)(b)

Allegation B: Abuse of Authority – At § 87(2)(b) in the Bronx, PO Brandon Ravelo stopped § 87(2)(b)

It is undisputed that Sgt. Pulgarin and PO Ravelo stopped § 87(2)(b) § 87(2)(g) § 87(2)(b) denied interacting with or antagonizing the unidentified male in front of § 87(2)(b) and denied threatening the officers when they approached him. He denied possessing a box cutter at the time of the incident.

Both Sgt. Pulgarin and PO Ravelo stated that § 87(2)(b) was angrily accosting the male in front of the house. They also alleged that when they approached him, § 87(2)(b) ordered them not to get out of their vehicle, even after they had identified themselves as police officers. While both officers observed an object in § 87(2)(b)'s pocket that they believed at the time of approach to be a box cutter, neither observed § 87(2)(b) reach for or wield the object at any point. After § 87(2)(b) was handcuffed, the object was retrieved, confirming that it was in fact a box cutter.

While § 87(2)(b) did not witness § 87(2)(b)'s stop, the unidentified male later informed her that § 87(2)(b) had been angrily threatening him with a box cutter before the police arrived. At the conclusion of the incident, she observed the officers confiscate a box cutter from § 87(2)(b) § 87(2)(b)'s medical records also indicate that he was acting in a belligerent manner during his examination, and was likely under the influence of a substance at the time. § 87(2)(g)

NYPD Patrol Guide procedure 216-05 states that when an officer reasonably believes that a person who is apparently mentally ill or emotionally disturbed, and that the person poses a threat to the safety of himself or others, that individual must be taken into protective custody (Encl. 1A-F).

§ 87(2)(g)

§ 87(2)(g)

Allegation C: Force – At § 87(2)(b) in the Bronx, PO Brandon Ravelo used physical force against § 87(2)(b)

§ 87(2)(b) alleged that once he was taken to the ground, PO Ravelo punched him several times on his upper body and head. He could not estimate how many times he was hit. While Sgt. Pulgarin and § 87(2)(b) denied seeing PO Ravelo strike § 87(2)(b) PO Ravelo himself stated that he struck § 87(2)(b) several times. He did not recall where or how many times he hit § 87(2)(b). Medical records indicate that § 87(2)(b) suffered several minor scrapes to his head and upper body as a result of this force.

§ 87(2)(b) denied offering any resistance to the officers. Sgt. Pulgarin and PO Ravelo stated that § 87(2)(b) resisted them by pulling his arms away, holding his arms firmly against his chest, and striking PO Ravelo. § 87(2)(b) stated that he resisted by rolling his body away from the officers, and pulling his hands from them. She made no mention of § 87(2)(b) striking either of the officers.

NYPD Patrol Guide procedure 203-11 states that officers may use minimal force necessary in order to overcome resistance may be used to take a mentally ill or emotionally disturbed person into custody (Encl. 1G-H).

§ 87(2)(g)

§ 87(2)(g)

Allegation E: Discourtesy – At § 87(2)(b) in the Bronx, PO Brandon Ravelo acted discourteously towards § 87(2)(b)

§ 87(2)(b) alleged that immediately before he was frisked, PO Ravelo made a humiliating and sexually suggestive “humping” gesture behind him. PO Ravelo, Sgt. Pulgarin, and § 87(2)(b) all denied that PO Ravelo made this or any other obscene gesture towards § 87(2)(b) at any point during the incident. § 87(2)(g)

Allegation D: Force – At § 87(2)(b) in the Bronx, PO Brandon Ravelo struck § 87(2)(b) with an asp.

§ 87(2)(b) alleged that during the struggle, PO Ravelo struck him with an asp several times on his head and upper body. He did not recall how many times he was struck. Both officers denied that § 87(2)(b) was struck with an asp at any point. While the officers both stated that PO Ravelo drew his asp before the struggle, both stated that he put the asp away before making contact with § 87(2)(b). § 87(2)(b) did not see either officer either draw or use their asps at any point. § 87(2)(b)'s medical records indicate that he had several abrasions on his head.

§ 87(2)(g)
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Allegation F: Abuse of Authority – At § 87(2)(b) in the Bronx, PO Brandon Ravelo threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that after he arrived at the hospital, PO Ravelo handcuffed him to a gurney and waited with him for about one hour. While waiting, PO Ravelo allegedly told § 87(2)(b) “Listen, man, when I take these cuffs off, we’re in a hospital. If you make one move, you know what’s coming down on you.” He interpreted this to mean that PO Ravelo would strike him if he caused any further disturbance. Both PO Ravelo and Sgt. Pulgarin denied that PO Ravelo made this statement or any other sort of physical threat. Both officers additionally stated that § 87(2)(b) was

immediately handed over to hospital personnel, and that they did not spend any time waiting there with § 87(2)(b) § 87(2)(b) s medical records indicated that he was transferred immediately into the custody of the hospital's Emergency Department upon arrival. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date